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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

ANTHONY R. LUNA, ET AL.

v.

PNK (LAKE CHALRES), LLC, ET AL.

* CIVIL ACTION NO. 2:16 -CV-01099

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* JUDGE MINALDI

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* MAGISTRATE JUDGE HANNA

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JUDGMENT

For the reasons stated in the Report and Recommendation (Rec. Doc.12) of the Magistrate Judge previously filed herein, after a review of the plaintiffs' Objection to the Report and Recommendation (Rec. Doc. 14)¹, a review of the defendants' Response (Rec. Doc. 15), an independent review of the record, a *de novo* determination of the issues, and determining that the findings are correct under applicable law,

IT IS ORDERED that the plaintiffs' Motion to Remand (Rec. Doc. 6) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiffs' claims against the defendant Keith Henson are **DISMISSED WITHOUT PREJUDICE**.

Lake Charles, Louisiana, this 8 day of Nov, 2016.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE

¹ The court will not pierce the pleadings to consider outside evidence submitted by the plaintiffs (Rec. Doc. 13) because "a summary inquiry is appropriate only to identify the presence of discrete and undisputed facts that would preclude plaintiff's recovery against the in-state defendant." *Smallwood v. Ill. Cent. R. Co.*, 385 F.3d 568, 573-74 (5th Cir. 2004). The plaintiffs improperly wish to use a summary inquiry and summary-judgment-type evidence to establish a claim against an in-state defendant.